



UNITED STATES MARINE CORPS
III MARINE EXPEDITIONARY FORCE, FMF
UNIT 35601
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ForO 3870.1
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FORCE ORDER 3870.1

From: Commanding General
To: Distribution List

Subj: CONDUCT AND OVERSIGHT OF INTELLIGENCE ACTIVITIES

Ref: (a) SecNavInst 3820.3D
(b) MCO 3800.2A
(c) MarForPacO 3870.1B

Encl: (1) Commands to be Inspected on Intelligence Oversight
(2) Procedures for Reporting Questionable Activities
(3) Guidelines for the Conduct of Intelligence Oversight Activities
(4) Sample Quarterly Intelligence Oversight Report
(5) Sample Annual Intelligence Oversight Report

1. Purpose. To establish policy, procedures and responsibilities for the conduct and oversight of intelligence activities within III Marine Expeditionary Force (III MEF).

2. Background. References (a) and (b) confirm the authority and responsibility of the Secretary of the Navy for oversight of Navy and Marine Corps intelligence activities and provide intelligence oversight policies and procedures. Reference (c) establishes Intelligence Oversight policy for Marine Forces Pacific.

3. Definitions. For the purpose of this Order, the following definitions apply:

a. III MEF intelligence components are those intelligence, signals intelligence, and counterintelligence elements of organizations that have an intelligence or counterintelligence mission, task, or function. The major subordinate commands and units listed in enclosure (1) contain such intelligence components.

b. Questionable activity is any conduct that constitutes or is related to an intelligence activity that may violate a U.S. Law, Executive Order, Presidential Directive, reference (a), or any other applicable Department of Defense, Department of the Navy, or U.S. Marine Corps policy.

c. A United States person is:

(1) A citizen of the United States.

(2) An alien known by the intelligence component concerned to be a permanent resident alien.

(3) An unincorporated association organized in the United States or substantially composed of U.S. citizens or permanent resident aliens.

(4) A corporation incorporated in the U.S., except for a corporation directed and controlled by a foreign government or governments.

d. Special activities are those activities conducted in support of national foreign policy abroad which are planned and executed so that the role of the U.S. government is not apparent or acknowledged publicly. Special activities include functions in support of such activities that are not intended to influence U.S. political processes, public opinion, policies, the media, and do not include diplomatic activities or the collection and production of intelligence or related support functions.

4. Intelligence Oversight Review Boards. For an explanation of the duties and composition of the Naval Intelligence Oversight Review Board (NIORB) and the Headquarters Marine Corps Intelligence Oversight Review Board (HQMC IORB), see paragraphs 5 and 6 of reference (b).

5. Policy

a. The collection, retention, and dissemination of information concerning U.S. persons and the conduct of Marine Corps intelligence activities will be governed by references (a), (b), and (c) and this Order.

b. III MEF intelligence components shall carry out their authorized functions in a manner that protects the constitutional rights and privacy of U.S. persons, and shall not request any person or entity to undertake unauthorized activities.

c. The use of collection techniques authorized by enclosure (2) to reference (a) will be limited to those necessary to perform assigned functions. The least intrusive means of collection will always be the preferred method of collection.

d. III MEF intelligence components will not conduct or provide support for the conduct of special activities except in times of war declared by the Congress, or during a period covered by a report from the President to the Congress under the War Powers Resolution (50 U.S.C. 1541-1548), unless such actions have been approved by the President and directed by the Secretary of Defense.

e. Commanders will ensure that no adverse or retaliatory action is taken against any Service member or civilian employee who reports questionable activities.

f. This Order is punitive in nature; any violation of which is punishable under the Uniform Code of Military Justice for military personnel and is the basis for appropriate administrative disciplinary procedures for civilian employees.

g. This Order does not apply to law enforcement activities conducted by Marine Corps commands.

6. Action

a. Assistant Chief of Staff (AC/S), G-7, III MEF

(1) Assume overall cognizance of the intelligence oversight program per the references.

(2) Inspect, or cause to have inspected, those commands and units listed in enclosure (1) to ensure compliance with references (a) and (b) and this Order.

(3) Investigate, or cause to have investigated, any reports of questionable activities conducted by or on behalf of III MEF intelligence components. Precede all such investigations with a pre-brief to the Chief of Staff on the intent of the proposed investigation. Coordinate with the Staff Judge Advocate (SJA) and the AC/S, G-2 on all reports and investigations of questionable activities.

(4) Determine the reason for any failure to report questionable activities and recommend corrective action.

(5) Provide consolidated quarterly and annual reports to ComMarForPac as per reference (c).

b. Assistant Chief of Staff, G-2, III MEF

(1) Assist in the determination as to whether or not the activities of III MEF intelligence components are consistent with applicable policies, directives, and regulations.

(2) When directed, either conduct or assist in the conduct of intelligence oversight inspections of commands and units listed in enclosure (1).

(3) Provide assistance and advice to the Major Subordinate Commanders and their staffs regarding intelligence activities.

c. Staff Judge Advocate, III MEF

(1) When directed, and in coordination with the Inspector and the AC/S G-2, determine whether or not activities of III MEF intelligence components are legal and consistent with applicable policies, directives, and regulations.

(2) When directed, provide a representative to assist in intelligence oversight inspections.

(3) Provide legal advice to the Commanding General and the III MEF staff concerning intelligence oversight matters.

d. Commanding Generals/Commanding Officers, Major Subordinate Commands/Major Subordinate Elements

(1) All commanders will establish intelligence oversight programs per the references and this Order.

(2) Assign cognizance for intelligence oversight to the staff section/division/branch which is responsible for the command's inspection program; i.e., Division or Wing Inspector.

(3) Ensure coordination with command SJAs on intelligence oversight matters.



J. L. BOOKER, SR.
Chief of Staff

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Commands to be Inspected on Intelligence Oversight

The following III MEF commands will be inspected on Intelligence Oversight:

- 3d Marine Division
- 1st Marine Aircraft Wing
- 3d Force Service Support Group
- 31st Marine Expeditionary Unit
- III MEF Headquarters Group

Procedures for Reporting Questionable Activities

1. Request Mast. The primary means for reporting questionable activities will be request mast. Civilian personnel will immediately inform their supervisor of suspected questionable activity. If the supervisor/commanding officer is "involved" in the allegation, the supervisor/commanding officer next higher in the chain of command will be informed. Like all request masts, the supervisor/commanding officer must expedite the handling of the allegation. As the supervisor/commanding officer pursues the allegation, that official should inform the appropriate intelligence, counterintelligence, and legal agencies and seek their assistance. There is the possibility that a supervisor/commanding officer may not have the proper access to classified/sensitive information brought out by the allegation. In such a case, supervisors/commanding officers must understand their responsibility to determine the level of classification and, if necessary, turn the matter over to an appropriate agency/individual.

2. Staff Judge Advocate or Inspector. The command's SJA or inspector can be used as a means to report questionable activities.

3. Hotline. The Marine Corps Hotline Program may also be used to report questionable activities. The Inspection Division, HQMC coordinates with the Director, Intelligence Division, HQMC, the counsel for the CMC, and the SJA to the CMC to determine the validity of the allegation. If appropriate, an investigation will be initiated. The DNIGMC/IGMC maintains overall responsibility for the conduct of the investigation.

4. In the intelligence oversight education and training process, the above will be stressed and all personnel who have a connection with intelligence, signals intelligence, and counterintelligence activities will understand the means to report questionable activities.

Guidelines for the Conduct of Intelligence Oversight Activities

Intelligence oversight involves training and education, inspections, and reporting. Commanders of units listed in enclosure (1) have the following responsibilities:

1. Training. Training and education are critical to an effective intelligence oversight program. Training is to be conducted for all personnel involved in the collection, retention, and dissemination of intelligence. This includes those personnel who not only control collection assets, but those who may reasonably be expected to either request intelligence or task collection agencies. Therefore, training is to take place down to the battalion/squadron and separate company level.

a. Conduct and document initial intelligence oversight training for newly joined personnel within 30 days of arrival.

b. Ensure intelligence oversight refresher training of all personnel (military and civilian, operational and support) is conducted and documented at least annually.

2. Intelligence Oversight Inspections. Inspections are to fall under the staff cognizance of the Commander's inspector. The AC/S G-2 and the SJA are to be intimately involved in the process by either conducting, helping to conduct, or providing advice on the conduct of inspections.

a. Assistant Chief of Staff, G-7, III MEF will conduct inspections of the intelligence oversight programs of the units listed in enclosure (1) at least once every 18 months.

b. The Commanding General, 3d Marine Division, Commanding General, 1st Marine Aircraft Wing, Commanding General, 3d Force Service Support Group, and the Commanding Officers, 31st Marine Expeditionary Unit and III MEF Headquarters Group will conduct inspections of the intelligence oversight programs of their subordinate commands, units and sections at least once every 18 months.

ENCLOSURE (3)

c. Inspection Checklist

(1) The IGMC inspection checklist (Functional Area number 240) "Intelligence Oversight", will be used as the basis for conducting Intelligence Oversight inspections. Additionally, a review of documented intelligence oversight training conducted by the command/unit will be made a part of the inspection.

(2) It must be understood that centrally controlled checklists are designed to be universal in nature; they do not necessarily fit any particular unit, mission statement, or table of equipment. As a general rule, items on a checklist that apply are to be inspected. Items that do not apply will be marked as such.

(3) Checklists are evolutionary and change with experience. The current intelligence oversight checklist is obviously slanted towards those who control intelligence collector assets; however, the scope and intent of references (a) and (b) go beyond just collector assets. The latest version of the checklist is available from the IGMC section of the HQMC website.

3. Reports. Commanders of units listed in enclosure (1) shall:

a. Report all questionable activities conducted by themselves or by subordinate commands/units to the DNIGMC/IGMC and the CG, III MEF (AC/S, G-7) immediately. Enclosure (2) provides guidance.

b. Provide, not later than the 5th of October, January, April, and July, the quarterly intelligence oversight report to CG, III MEF (AC/S, G-7). Additionally, the Commanding Generals of 3d Marine Division, 1st Marine Aircraft Wing, and 3d Force Service Support Group, and the Commanding Officers of 31st Marine Expeditionary Unit and III MEF Headquarters Group are to include a statement concerning any ongoing and proposed intelligence and counterintelligence activities, to include the activities of subordinate commands/units. Enclosure (4) provides the format.

ENCLOSURE (3)

c. The Commanding General, 3d Marine Division, Commanding General, 1st Marine Aircraft Wing, Commanding General, 3d Force Service Support Group, and the Commanding Officers, 31st Marine Expeditionary Unit and III MEF Headquarters Group will provide, by 10 September, an intelligence oversight inspection schedule for the following fiscal year. This schedule will include a listing of all intelligence components, sections, elements, and teams under their operational or administrative control. The inspection schedule is to be updated or confirmed each quarter via the quarterly intelligence oversight report. See enclosure (5).

d. Ensure appropriate procedures are established to facilitate the requirements to report questionable activities and coordinate these procedures with the appropriate local SJA office.

ENCLOSURE (3)

Sample Quarterly Intelligence Oversight Report

From: Commanding General/Commanding Officer/Officer in Charge
To: Commanding General, III Marine Expeditionary Force
(AC/S, G-7)

Subj: QUARTERLY INTELLIGENCE OVERSIGHT REPORT, QTR ____ CY ____

Ref: (a) ForO 3870.1

Encl: (1) Inspection Report(s) for Units Inspected this Quarter

1. Per the reference, the following report is submitted:

a. Address any intelligence or counterintelligence activity that was illegal, improper, or contrary to applicable law statutes, directives, and/or policies, and any corrective action taken.

b. Or, report that no violation occurred during this reporting period.

2. Comment on intelligence oversight activities completed during this quarter such as training, indoctrination, etc.

3. Comment on intelligence oversight activities planned for next quarter. This would include changes to the annual inspection plan.

4. Provide additional comments or suggestions for improving the intelligence oversight process.

5. Provide additional comments concerning any ongoing and proposed intelligence and counterintelligence activities, to include the activities of subordinate commands/units.

6. My point of contact is _____ at _____.

Signature

- Ensure this report is appropriately classified and/or caveated.

- Applies to CG's of 3d MarDiv, 1st MAW, and 3d FSSG, CO, 31st MEU, and CO, III MHG only.

ENCLOSURE (4)

Sample Annual Intelligence Oversight Report

From: Commanding General/Commanding Officer
To: Commanding General, III Marine Expeditionary Force
(AC/S, G-7)

Subj: ANNUAL INTELLIGENCE OVERSIGHT INSPECTION REPORT FOR
PERIOD COVERED

Ref: (a) ForO 3870.1

1. Per the reference, the following inspection report is
provided for the period of _____:

<u>Command</u>	<u>Location</u>	<u>Last IO Insp</u>	<u>Next IO Insp</u>
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(Include **all** units with intelligence components)

2. My point of contact is _____ at _____.

(Signature)

- This report is submitted by the CG's of 3d MarDiv, 1st MAW, and
3d FSSG, CO, 31st MEU, and CO, III MHG only.